

**WARREN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
FRIDAY, FEBRUARY 16, 2007**

The Board of Supervisors of the County of Warren convened at the Supervisors' Room in the Warren County Municipal Center, Lake George, New York, at 10:00 a.m.

Mr. William Thomas presiding.

Salute to the flag was led by Supervisor Girard.

Roll called, the following members present:

Supervisors Monroe, Girard, Sheehan, Mason, O'Connor, Kenny, Bentley, W. Thomas, Tessier, Merlino, Stec, Caimano, Champagne, VanNess, Sokol, F. Thomas, Haskell, and Geraghty - 18.

Absent: Supervisors Gabriels and Belden - 2.

Motion was made by Mr. Tessier, seconded by Mr. Mason and carried unanimously, to approve the minutes of the January 19, 2007 Board Meeting, subject to correction by the Clerk.

Chairman Thomas requested William Lamy, Superintendent of DPW, and John Farrell, Director of Civil Defense, to come forward. Chairman Thomas presented Mr. Farrell with a certificate of appreciation for his twelve years of dedicated service as the Director of Civil Defense with the Department of Public Works, to Warren County and its' residents. He also read a letter that he had received from the Governors Traffic Safety Committee, congratulating Mr. Farrell on his number of years of dedicated service as the Warren County Stop-DWI Coordinator. The board responded with applause.

Mr. Lamy extended his personal thanks to Mr. Farrell for everything he had done for the County and DPW. Continuing, Mr. Lamy advised that he, Supervisor Merlino and Pat Beland, Director of Parks, Recreation and Railroad, had attended an awards ceremony two weeks ago in Albany, hosted by the American Public Works Association. He stated that in 2006, the Rail Corridor Restoration Project in Warren County was selected as the Transportation Project of the year, and he presented the plaque to Supervisor Haskell, Chairman of the Parks, Recreation and Railroad Committee. The board responded with applause.

Mr. Lamy stated that another award presented at the ceremony was for individual recognition for accomplishments, and the Distinguished Service Award for 2006, honoring his leadership in Public Works projects, particularly his work on the Rail Corridor Project, was presented to Pat Beland. The board responded with applause.

Mr. Haskell said he was honored to present Mr. Beland with a certificate of appreciation for his thirty-three years of dedicated service as the Director of the Parks, Recreation and Railroad with the Department of Public Works, to Warren County and its' residents. The board responded with applause.

Supervisor Gabriels entered the meeting at 10:06 a.m.

Mr. Beland thanked the Board of Supervisors for all of their support over the years on the various projects that his Department took on.

Chairman Thomas noted how fortunate Warren County was because last year the same award was received by Mr. Lamy.

Chairman Thomas directed attention to a letter on each of Supervisors' desks from Wayne Wright, who was appointed Warren County Historian, informing the board members of his resignation. Chairman Thomas further recommended appointing John Austin as Interim Warren County Historian, while the position was advertised and interviews were conducted.

Motion was made by Mr. Stec, seconded by Mr. Haskell and carried unanimously to appoint John Austin as Interim Warren County Historian.

Chairman Thomas added that the advertising and interviewing process would need to be referred to the Personnel Committee.

Chairman called for reports by Committee chairmen on past activities and the following gave verbal reports:

Supervisor Geraghty thanked the DPW crews for their excellent response during the recent snow storm; Supervisor Haskell, County Facilities.

With regard to the County Facilities Committee, Mr. Haskell apprised a special meeting had been scheduled for February 21, 2007 at 9:30 a.m., to further discuss options for the Health and Human Services building with British American and Schermerhorn Commercial Properties.

Mr. Champagne stated, as a member of the County Facilities Committee, he would not be able to attend the meeting on February 21st due to a prior commitment. Following discussion regarding convenient meeting times, Mr. Haskell stated he would re-schedule the meeting for Tuesday, February 20, 2007 at 2:00 p.m.

Returning to reports by Committee chairmen on past activities, the following continued to give verbal reports:

Supervisor F. Thomas, Legislative; Supervisor VanNess, Fire Prevention and Control; Supervisor Caimano, Occupancy Tax Coordination and Budget; Supervisor Tessier, Airport, Social Services and Criminal Justice; Supervisor Monroe, Ad Hoc Negotiating and Ad Hoc Sales Tax; Supervisor Gabriels, Personnel.

Chairman called for reading of communications.

Clerk read communications, including the following:

Minutes from:

Joint meeting of Chemical Dependency Subcommittee and Mental Health

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Subcommittees of the Community Services Board;
Warren County Planning Board;
Warren County Board of Elections, Organizational Meeting.

Monthly Reports from:
Weights & Measures.

Lake Champlain/Lake George Regional Planning Board, 2005 Audited Financial Statements.

Milliman Consultants, offer to provide actuarial services for GASB 45 valuations.

Adirondack Park Local Government Review Board, Resolutions 1, 2 and 3 of 2007.

Warren County Soil & Water, request to again accept the OTB scholarship funding for the Warren County Envirothon.

Tammy Harrington, Social Welfare Examiner at Social Services, recognizing the efforts of Capital Financial Group in helping resolve a medical billing issue.

NYS Office of Homeland Security, update on NIMS implementation and copy of the 2007 Implementation Strategy.

Capital District Off-Track Betting, 4th Quarter benefit distribution of \$274 and January surcharge in the amount of \$11,144.

Office of the NYS Comptroller, Report of Examination for Adirondack Community College from September 1, 2004 to April 10, 2006.

State of New York, Commission of Investigation; 2006 Annual Report.

Mark Thompson, letter requesting that the appointment of Janie Green to the Warren County Planning Board be tabled.

Lake George Boat Dealers Group, expressing concerns about the possible increase in the Warren County sales tax.

Wayne Wright, letter of resignation as Warren County Historian, effective February 16, 2007.

Communications, resolutions and reports ordered placed on file.

Chairman Thomas recognized and introduced Todd Lunt, the new Human Resources Director for Warren County, who was at the meeting today.

Chairman Thomas requested Mr. Haskell to address the resolution that was distributed

to the board members entitled "Increasing Capital Project No. H263.9550 280- Design and Construction of Health and Human Services Building and Amending Warren County Budget for 2007". Clerk noted it would be Resolution No. 143.

Motion was made by Mr. Tessier, seconded by Mr. VanNess and carried unanimously to waive the rules of the Board to allow a resolution to be introduced from the floor.

Motion was made by Mr. Haskell and seconded by Mr. Caimano to bring the resolution to the floor for discussion.

Mr. Haskell explained that Clark Patterson Associates and Bovis Lend Lease had been directed to stop their work when Schermerhorn Commercial Properties had presented a proposal because the direction of the project was unclear at that time. He further stated that the increase in this Capital Project in the amount of \$200,000 would allow for Clark Patterson Associates and Bovis Lend Lease to continue on a per diem basis, to analyze different proposals for the project.

Chairman Thomas expounded this resolution was in relation to an additional resolution distributed to the board members entitled, "Budget Note Resolution Dated February 16, 2007 of the County of Warren in the Amount of \$200,000 for Payments to Architect and Construction Manager for Services Rendered Regarding Design and Construction of Health and Human Services Building", and questioned if the board members agreed to include this resolution to be brought to the floor as well. Clerk noted it would be Resolution No. 142.

Motion was made by Mr. Tessier, seconded by Mr. VanNess and carried unanimously to waive the rules of the Board to allow a resolution to be introduced from the floor.

Mr. VanNess commented it was important to point out that a large sum of the \$200,000 was already owed out for previous bills. Joan Parsons, Commissioner of Administrative and Fiscal Services, stated she had received a bill from Clark Patterson Associates which totaled approximately \$71,000 and that would complete the design development stage. She noted that work was done prior to the stop work order that had been issued by the County Attorney. She further explained she had also received a bill from Bovis Lend Lease totaling \$13,000, which was also for work completed prior to the stop work order being issued. She concluded that at this point, it would be a per diem rate for any work being done with regard to the ongoing analyses.

Chairman Thomas called the question and the motion was carried unanimously to approve the resolutions as outlined above.

Chairman Thomas requested Hal Payne, Administrator of the Westmount Health Facility, to provide additional information regarding Resolution No. 140 entitled "Selecting Barbara T. Clements as Administrator of Westmount Health Facility". Mr. Payne advised that the Westmount Health Facility and Countryside Adult Home Committee had interviewed two candidates out of a group of ten applications that were received. He further stated that

Barbara Clements was a former Administrator at Montgomery Meadows, located in Montgomery County, which was sold in December of 2006. He said they had offered the job to Barbara Clements.

Chairman Thomas acknowledged Resolution No. 141 entitled "Introducing Proposed Local Law No. 5 of 2007 and Authorizing Public Hearing Thereon" was related to the resolution that Mr. Payne had explained. He requested Paul Dusek, County Attorney, to further elaborate.

Mr. Dusek apprised the Local Law included as part of the resolution packet was necessitated because the candidate selected for Administrator of the Westmount Health Facility currently lived outside Warren County. He said she had agreed to move into the County in order to accept the position; however, the Public Officers Law required that residency be established within the County at the time of appointment. He further stated that the proposed Local Law would allow her six months to relocate to Warren County.

Mr. Kenny noted there were two resolutions included in the packet that authorized travel, one for the Planning Department and one for the Airport, which he understood were not included in each individual Department's travel budget. He requested an explanation for each.

Mr. Tessier, as Chairman of the Airport Committee, reminded the board members that one year ago, by resolution, the Airport Manager was authorized to apply to become President of the Northeast Chapter/American Association of Airport Executives. He further explained it just so happened that this year the meeting was being held in Pittsburgh, Pennsylvania. He added that the Airport Manager was paying for half the cost of travel to attend the Conference. Mr. Tessier noted this was Resolution No. 57 in the packet.

With regard to the resolution authorizing travel for the Planning Department, Mr. Stec, as Chairman of the Planning and Community Development Committee, stated that the request was unanimously recommended by the Committee to authorize this travel. He said that Patricia Tatich, Director of Planning and Community Development, and Wayne LaMothe, Assistant Director, were invited to be presenters at the American Planning Association Annual Conference in Philadelphia, Pennsylvania, not just attendees. He noted that half of the travel was funded by a grant. Mr. Stec added this was resolution No. 100 in the packet.

Mr. Caimano clarified that memos had been sent to Department Heads during the budget process requesting additional cuts within each Department. He said that throughout the County \$400,000 had been spent on incidental travel, which led to the general cut of the travel budget for 2007. He noted that no one had come forward after the budget had been adopted advising of any special requests for travel.

Mr. VanNess added that the County needed to use caution when cutting the opportunity for training of employees.

Mr. Kenny referred to Resolution No. 134 entitled "Authorizing Agreement Continuing Contractual Relationship with the Warren County Historical Society for Production of a History

of Warren County Book and Historical Programs". He said he would feel much more comfortable contributing funds if he knew where the Society was in the process. He noted he had never seen a draft or an estimation of when the book would be completed. Chairman Thomas agreed and said he was involved in the beginning process of the book with the Historical Society, which he thought was back in 1999. He reiterated that the board members needed to know where the Society was in the process. Mr. Tessier apprised that the book had been printed and he had a copy of it. He said he would bring it to the next Board of Supervisors meeting. Chairman Thomas suggested tabling the resolution until a representative of the Warren County Historical Society came before the Board to explain the status of the history book.

Motion was made by Mr. Monroe, seconded by Mr. Caimano and carried unanimously to table Resolution No. 134 until further information was obtained from the Warren County Historical Society.

Mr. Kenny expounded there had been considerable discussions with regard to the value of the co-generation project and whether or not the County was getting its moneys worth from the project. He noted that Frank O'Keefe, County Treasurer, had expressed his concern with regard to understanding the Siemens Building Technologies energy savings contract. He further stated that Mr. O'Keefe had recommended contracting with an electrical engineer to determine the value of the co-generation project.

Mr. Dusek explained that when Siemens Building Technologies first approached the County with the proposed project, they had done a report which outlined certain improvements to the Westmount Health Facility, plus the installation of the co-generation, as well as the feed of electricity to the Social Services Building, all of which showed the savings that could be generated. He further explained that based on that report, the board members agreed that this project would be beneficial to the County over the next fifteen years. Mr. Dusek said that he then made sure that what had been outlined in that report and what Siemens was guaranteeing to the County, were specifically stated in a contract. He added that based on that contract, the savings appeared to be true and accurate.

Continuing, Mr. Dusek advised the only issue that had been raised in connection with this project was the reimbursement the County was supposed to receive from Medicaid. At the time the project was set up, he stated, the numbers were \$275,000 a year; however, recently when Medicaid gave their report, it said they would reimburse the County approximately \$175,000, which was \$100,000 less than what had been represented when the project was approved. He further stated that the County had appealed the \$175,000 reimbursement and the County's accountants did believe that it would be a successful outcome. Mr. Dusek noted that there was still a \$118,000 surplus currently being shown.

Mr. Kenny expressed his concern that Siemens sold the County the co-generation, and Siemens had established the numbers showing how successful the co-gen was, and he felt the County should have an independent individual look at the numbers and verify that the savings were factual. Mr. Dusek said that could be a possibility; however, Siemens

determined the numbers based on the language of the contract that the board members had agreed to.

Hal Payne, Administrator of the Westmount Health Facility, apprised they had compared the 2004 total utility costs to 2006, which showed the savings in the electrical usage and the cost of that power. He noted that the comparison of the two years was presented by Betsy Henkel, Westmount Health Facility Comptroller, at the Westmount Health Facility and Countryside Adult Home Committee meeting. Mr. Champagne suggested that the full Board of Supervisors receive the comparison that was provided by Ms. Henkel.

Mr. Payne added that they would be going through an audit at the end of March and he suggested maybe giving the auditing group the figures, as opposed to bringing in an electrical engineer, because he knows that they had provided uninterrupted electrical power at the Municipal Center Annex campus for the past nineteen months.

Chairman Thomas said the idea of having the company that would be doing the audit review the figures was a good suggestion. He added that the report compiled by Ms. Henkel should be provided to all the board members as well

Chairman Thomas requested that Mr. Champagne address Resolution Nos. 64 and 65 included in the packet. Mr. Champagne expounded Resolution No. 64 entitled "Changing Original Plan for Next Three (3) Years of Future Chargebacks Between Warren and Washington Counties Regarding Adirondack Community College" and Resolution No. 65 entitled "Amending Resolution No. 726 of 2006 to Describe How Matching Funds Required for the Proposed Higher Education Center for Adirondack Community College will be Provided" were both in relation to the projects that were near completion at ACC (Adirondack Community College) and the Eisenhart building project. He explained that the formula that had been used in the past to determine the capital side of the projects was no longer applicable, due to the fact that it had never been agreed to because the formula had been derived from the assessed value of the two counties.

Mr. Dusek further explained that last year the Warren County Board of Supervisors had reached an agreement with Washington County, concerning two different sets of expenses, the operational costs for ACC and the capital costs for the Eisenhart building project. He stated as a result of that settlement, it was determined that Washington County owed Warren County \$361,118 towards operational expenses that had not been paid. He noted that Washington County had agreed to pay that; however, they pointed out that Warren County owed them \$125,170 towards the capital costs which had been re-calculated. Mr. Dusek added that Washington County had sent Warren County a check for the net amount of \$361,118 minus the \$125,170, for a total of approximately \$280,000. He expounded that Resolution No. 64 was developed because Washington County believed they needed to return the \$125,170 to Warren County; however, it was based on the fact that Washington County assumed that all of the chargeback moneys that they would receive over the next few years would come in and the project would settle out the way it was. He said Washington County had noted if it did not go the way that they had planned, then Warren County would

owe that money back.

Mr. Dusek apprised Resolution No. 65 was concerning the new project for the Higher Education Center at ACC. He noted that if the resolution was approved then Warren County would be agreeing to pay a 70/30 split, based on current assessed valuations. He advised if the ACC Foundation could raise sufficient funds for the project, there would be no cost to the County.

Mr. Champagne added that the additional moneys Warren County had received from Washington County over the past four year history of the enrollment trends was at one time a 60/40 split. He further noted that the enrollment from Washington County had increased, changing the split to 57/43, which made up the dollars that Warren County received in operational costs.

Mr. Mason requested a roll call vote on Resolution No. 64, Changing Original Plan for Next Three (3) Years of Future Chargebacks Between Warren and Washington Counties Regarding Adirondack Community College.

Mr. Caimano requested a roll call vote on Resolution No. 78, Authorizing Amendment Agreements to Increase Rates with Various Physical, Speech and Occupational Therapists.

Chairman Thomas requested a roll call vote on Resolution No. 85, Declaring Warren County's Support of Senator Elizabeth O'C. Little's Proposal for Legislation Regarding Authorization of Construction of Cell Towers Along the Adirondack Northway (I-87) and Encouraging Legislation Supporting the Construction of Cell Phone Towers Along County Roads within the Adirondacks.

Chairman called for reading of resolutions and discussion.

Clerk noted the resolution brought from the floor earlier in the meeting, appointing John Austin as Interim Warren County Historian, would be Resolution No. 144.

Clerk announced that Resolution Nos. 47 through 138 were mailed and a motion was necessary to bring Resolution Nos. 45, 46 and 139 through 143 to the floor. Motion was made by Mr. Vanness, seconded by Mr. Merlino, and carried unanimously to bring Resolution Nos. 45, 46 and 139 through 143 to the floor.

Clerk stated a motion was needed to amend Resolution No. 45, Making Supplemental Appropriations, to omit the last transfer. Motion was made by Mr. Caimano, seconded by Mr. Bentley and carried unanimously to amend Resolution No. 45 as presented.

Clerk added a motion was needed to amend Resolution No. 46, Amending Warren County Budget for 2007 for Various Departments within Warren County, to add the Sheriff's revenue and appropriations in the amount of \$37,500 with regard to the contract with the Village of Lake George. Motion was made by Mr. Caimano, seconded by Mr. Mason and carried unanimously to amend Resolution No. 46 as presented.

Mr. Tessier requested to table Resolution No. 101, Appointing Member to the Warren County Planning Board. Motion was made by Mr. Tessier, seconded by Mr. Haskell and carried unanimously to table Resolution No. 101.

Chairman Thomas called for a vote on the resolutions.

Resolution Nos. 45 through 144 were approved, with the exception of Resolution No. 101, Appointing Member to the Warren County Planning Board, and Resolution No. 134, Authorizing Agreement Continuing Contractual Relationship with the Warren County Historical Society for Production of a History of Warren County Book and Historical Programs, which were tabled.

Privilege of the floor was extended to Sheriff Cleveland. Sheriff Cleveland announced that in relation to Resolution No. 123, Authorizing County Treasurer to Close Capital Project No. H247.9550 280 - Sheriff's E-Pod and Off-Site Communications, he wanted to publically thank everyone on the Board, especially those that had been on the Board since 2001, that supported the project over the years. He added that today, they were closing the third and final Capital Project that related to the construction of the new jail. He added the project had come in well under the budget and \$800,000 was replaced into surplus.

Mr. O'Connor announced there would be a meeting on Tuesday, February 20, 2007 at 6:00 p.m. at the Glens Falls City Hall between the Glens Falls Supervisors and the Glens Falls Common Council and he extended the invitation to all Supervisors to attend, as well as the Press.

Chairman Thomas recognized the City of Glens Falls Mayor, LeRoy Akins, was present and welcomed him to the meeting.

Chairman Thomas announced there would be a LDC (Local Development Corporation) meeting immediately following the Board meeting.

There being no further business, on motion by Mr. Mason and seconded by Mr. Sokol, Chairman Thomas adjourned the meeting at 11:26 a.m.